

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING

May 10, 2018

Record of Proceedings

Notice of this meeting was provided pursuant to the
Colorado Open Meetings Law, § 24-6-402, C.R.S.

CONVENE

The meeting of the Child Protection Ombudsman Board was convened in the Ralph L. Carr Judicial Center, 1300 Broadway, Conference Room 1E, Denver, Colorado, 80203 at 8:08 AM by Board Chairman, Kenneth Plotz.

A quorum of the Board was present.

PRESENT AT THE MEETING

Board Members

Chairman Kenneth Plotz
Vice Chairman Simone Jones
Darlene Martinez*
Richard Krugman
Pax Moultrie
Karen Beye
Victoria Shuler
Peg Rudden
Connie Linn

Others Present

Stephanie Villafuerte, Child Protection Ombudsman
Jordan Steffen, Communications and Policy Director
Karen Nielsen, Administrative Coordinator
Caroline Parker, Child Protection Systems Analyst
Sueanna Johnson, Asst. Atty. General
Alison Kyles, First Asst. Atty. General from Employment Tort Unit
Vincent Morscher, Senior Asst. Atty. General from Employment Tort Unit

** Participated by Telephone*

PRESENT FROM THE PUBLIC

Lucinda Connelly, Colorado Department of Human Services.

AGENDA ITEMS

I. EXECUTIVE SESSION

8:12 AM- at the request of Chairman Plotz, Dr. Richard Krugman made a motion to enter executive session for receiving legal advice regarding human resource matters. Ms. Connie Linn seconded the motion. The motion passed unanimously.

Executive Session was held for the Board to receive legal advice pursuant to § 24-6-402(3)(a)(II), C.R.S.

The Executive Session was recorded in compliance with §24-6-402(2)(d.5)(I)(A), C.R.S

At 09:15 AM Chairman Plotz returned the meeting to open session.

Chairman Plotz, indicated that after discussion in executive session and after obtaining legal advice from three members of the Colorado Attorney General’s Office that a sub-committee of CPO board members will be formed. These members are: Darlene Martinez, Victoria Shuler, and Connie Linn. Ms. Peg Rudden will serve as an alternate. This subcommittee will develop a process and investigate the concerns alleged in a public complaint filed by a former staff member. The process will begin and conclude by August 18, 2018, at which time a special meeting will be held to discuss the findings. Dr. Richard Krugman made a motion to accept the subcommittee process. Ms. Simone Jones seconded the motion. The motion passed unanimously.

Attorney General, Sueanna Johnson stated that although a former staff member has filed a complaint and a sub-committee has been appointed to research the concerns, that such actions are not an indication of wrong doing by either the staff or the Ombudsman. She indicated that the board is required to address all complaints filed with the agency. The appointment of a sub-committee will ensure that the allegations are investigated thoroughly. Ms. Johnson also reminded all CPO staff that this investigation is confidential and that staff should avoid discussion of this matter. She stated that if any of the staff have questions or concerns related to the complaint that they should get in touch with herself and/or both of the Attorney General Counsel that were present today.

II. PUBLIC COMMENT

None

III. REVIEW AND APPROVAL OF MINUTES

April 2, 2018, Meeting Minutes

Dr. Richard Krugman made a motion to approve the minutes of April 2, 2018. Ms. Connie Linn

seconded the motion. The motion passed unanimously.

IV. EXECUTIVE DIRECTOR REPORT

A. Financial Report

Stephanie Villafuerte provided the board members with the CPO's year to date budget report. Ms. Villafuerte directed the members to the budget report and indicated that CPO is currently under budget approximately \$148k. Much of this is due to vacancy savings created by staffing changes. There are a number of expenses remaining for the fiscal year but it is anticipated that the CPO will be reverting money back at the end of the fiscal year to the General Assembly.

Ms. Villafuerte also indicated that the CPO has an MOU with the Colorado State Judicial Department whereby they provide budgeting and accounting services. To date, the CPO has not utilized these services fully. Ms. Villafuerte is currently working with the SCAO Budget department to redraft our financial statements in a way that will be more informative for the board.

B. Agency Update

Cases

Individual Complaints

Ms. Villafuerte provided the board with year to date case numbers. She reported that the CPO case numbers are slightly ahead compared to this time last year but she anticipates ending the year similar to last year at approximately 570 cases.

Systemic Complaints

El Pueblo

Ms. Villafuerte indicated that the CPO continues to work on the El Pueblo investigation and indicated that the investigation will focus on state licensing systems and safety in Colorado residential child care facilities. She reported that CPO's goal is to complete the report by September 1, 2018. The Colorado Department of Human Services has expressed interest in this report and indicated that they are looking forward to any recommendations.

The board discussed whether the CPO would be making recommendations for additional RCCF staff and what the impact of the Families First Act will have on any recommendations that are made. Ms. Villafuerte indicated that it is unknown what recommendations will come from the report and she will keep the board informed as the investigation progresses.

Adoption Subsidies

Ms. Villafuerte indicated that the CPO has withdrawn the proposed legislation and plan to hold four stakeholder meetings during the summer to finalize the draft.

Ms. Villafuerte indicated that she also met with CDHS around a month ago and that the CDHS has developed a strategic plan to implement the recommendations issued in the CPO's Adoption Subsidy Report. It is a two-year plan that includes the following: uniform application forms for families, creating a website that educates families on the laws and rules that govern adoption subsidies, initiating a review and overhaul of Volume VII as it relates to the adoption assistance program, and finally developing a resource guide/handbook for families so it is consistent across the state. CDHS will also be putting together an RFP to develop a uniform tool to standardize how children's and family's needs are assessed in determining an adoption subsidy. Ms. Villafuerte indicated that CPO will continue to be a part of these strategic discussions with the CDHS.

Senate Bill 18-254

Ms. Villafuerte reported that the Joint Budget Committee Analyst, Robin Smart worked with the CPO and a large group of stakeholders to address several issues regarding the child welfare funding. She stated that the bill addressed issues such as the composition of the Child Welfare Allocation Committee, services for children with intellectual and developmental disabilities and rates for residential care providers. One aspect of the bill addresses the funding mechanism for the adoption assistance program. The bill included two changes to the funding structure for the program: (a) The state-county split will now be covered by 90 percent state/federal funds and 10 percent county funds, a change from the previous 80/20 split and (b) Funding for the subsidy program will be removed from the child welfare block allocation and will be placed in a separate line item in the state budget. Ms. Villafuerte stated that the CPO worked extensively with stakeholders and Ms. Smart on the bill, which passed through both houses. She stated that CPO will send out Senate Bill 18-254 to board members to review.

Senate Bill 18-233

Ms. Villafuerte indicated that SB 18-233 which addressed the release of child autopsies passed but with amendments. She stated that it was sponsored by the Coroner's Association. She reported that a legislator sought the CPO's input regarding this bill, which would have sealed child autopsy reports from public view. While there were exceptions in the bill the general effect would have limited access to this information to many people including researchers and the press. Ms. Villafuerte stated that she provided educational testimony on the bill and explained to the committee the need for this valuable information. She also offered amendments which would have found a middle ground between release of this information while at the same time protecting the privacy interests of the juvenile's families. The bill is still in process.

Other Community Requests

El Paso County Case

Ms. Villafuerte reported that the CPO was asked to weigh in on an amicus brief in El Paso County, 10th Circuit federal court case. She reported that there is a statewide debate on whether parental consent should be required before a case worker could examine a child for abuse and neglect. There has been one unsuccessful attempt to pass legislation that would require such parental consent. While this legislation did not pass, a task force was developed to address the issue. Ms. Villafuerte indicated that the pending law suit involves El Paso County. Ms. Villafuerte reported that El Paso County DHS asked the CPO to write a brief to the court on what the CPO's perspective is on this matter. Ms. Villafuerte indicated that she sent a copy of the original brief to Judge Plotz and Judge Greenacre for their feedback.

There was some discussion about whether the board should develop a policy regarding when the CPO might submit an amicus brief on an issue. There was also discussion about whether this action is appropriate given the CPO's statute and mission. Sueanna Johnson reported that anytime a state agency would file a brief in court it would have to be filed through the AG's Office and that the cost would come out of the legal services budget. Board members indicated that it is something to consider in the future.

C. Internal Operating Infrastructure

Personnel Updates

Ms. Villafuerte reported that the entire CPO staff interviewed eleven applicants this week for the Child Protection Systems Analyst position and will be doing second interviews next week. Ms. Villafuerte reported that she had broadened the job description to include knowledge of the Division of Youth Services and Behavioral Health systems along with research, analyze and writing experience. She further stated that it has been difficult to find applicants with both skill sets. She stated that the office plans to fill the full-time position within the first or second week of June 2018.

Ms. Villafuerte further reported that she has made the decision to not fill the Deputy Ombudsman position. She stated that she will take time to analyze the needs of the CPO prior to making a new appointment. Currently, all the responsibilities associated with that position have been reallocated.

Evaluation of Individual Case Practices

Ms. Villafuerte reported that CPO is currently reviewing individual case practices, methods of case investigation and case documentation and outcomes. She reported that CPO is developing a strategic plan for handling individual case complaints. This process includes outreach to community stakeholders, research on other ombudsman models, and utilization of a board work group.

Ms. Villafuerte stated that she has been taking citizen phone calls and has learned a great deal about how to improve the handling of these calls. She reported that she believes the office has been looking too narrowly into the violations in Volume VII and the Children's Code and that future work should focus more on systemic issues and trends.

Ms. Villafuerte provided the group with current case numbers and that despite staffing shortages the CPO continues to meet all deadlines in our policies for handling cases.

D. Communications/Public Policy Updates

Ms. Jordan Steffen reported that the legislative session ended yesterday and that the CPO had an active session compared to last year. Ms. Steffen summarized what legislation that the CPO weighed in on and thanked Caroline Parker for her work this legislative session.

Ms. Caroline Parker discussed the CPO's Application for an Interim Committee (regarding the Sharing of Municipal Court Records). The CPO spearheaded this project in response to a recommendation issued by the CDHS Child Fatality Review Team. She reported that the CPO coordinated with Sen. Rhonda Fields to apply for an interim committee to study how municipal records may be shared between child protection agencies and jurisdictions. Ms. Parker reported that CPO held a stakeholder meeting, sought and synthesized stakeholder feedback and worked with Sen. Fields' staff to produce a fact sheet regarding the request. Ms. Parker indicated that ultimately, the application was not selected for an interim committee. She stated that given the consensus among stakeholders and interest by Sen. Fields, the CPO will facilitate stakeholder meetings this summer to discuss legislation to address this issue next legislative session.

E. Outreach Activities

Ms. Villafuerte directed the board members to the list below of the CPO outreach activities for the last two months. She reported that the office continues to have conversations with our partners, and increase community education efforts, visibility and accessibility to the public. Activities include:

- April 3, 2018: Statewide Child Abuse Prevention Week Rally
- April 4, 2018: Colorado Juvenile Defense Coalition
- April 4, 2018: Adoption Options, Adrienne Elliot
- April 4, 2018: Colorado Human Services Director's Meeting

April 9, 2018: Colorado Department of Human Services, Child Welfare Director Minna Castillo- Cohen
April 9, 2018: Ombudsman presentation to the Colorado Legislative Children's Caucus
April 10, 2018: Family Resource Center Annual Luncheon
April 12, 2018: Colorado Department of Human Services, Katie McLoughlin (Legal Counsel)
April 12, 2018: Colorado Department of Human Services, Adoption Subsidies Strategic Plan Presentation
April 13, 2018: Douglas County Human Services Director, Dan Makelky
April 19, 2018: Hopes Promise Adoption Event
April 20, 2018: Meeting Anne Comstock, Facilitator Families First Act

Ms. Villafuerte indicated that the State Department is working on legislation, recommendations and implementation the Families First Act for the Fall session. She reported that there are subcommittees that are working on these issues.

F. Board Business

Out of town board meeting

Ms. Villafuerte provided the group with a list of attendees and what the schedule of events will be. She reminded everyone to please fill out the Dinner Menu Selection form and to return that to Karen Nielsen by June 1, 2018.

Ms. Karen Nielsen indicated that she would be sending out the new fiscal year reimbursement form for board members by the meeting date.

Special board meeting

The board will hold an Executive Session special board meeting to finalize discussions regarding a public complaint that has been filed with the office. This meeting has been moved from August 9, 2016, to August 16, 2018, at 9:30 AM. CPO staff are not required to attend.

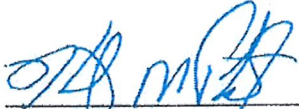
ADJOURN

Judge Plotz moved to adjourn. Dr. Krugman made a motion to adjourn which was seconded by Ms. Karen Beye. The motion passed unanimously.

The Board adjourned the meeting at 10:45 AM.

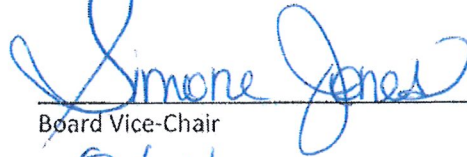
ATTESTATION

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on May 10, 2018, of the Colorado Child Protection Ombudsman Board substantially reflect the substance of the discussion and action taken related to the matters under the authority of the Board and in compliance with the Open Meetings Law, § 24-6-402, C.R.S.



Board Chair

Aug 12 2018
Date



Board Vice-Chair

8/14/18
Date